IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 18295 of 2004

Between:

D. Picchi Reddy @ Pichaiah, S/o. Bheem Reddy,
R/o. Ballavolu Village, Chilakuru Mandal, Nellore District.

..... PETITIONER

AND

1 The Inspector, Endowments Department,
Guduru, Nellore District.
2 The Revenue Divisional Officer, Guduru, Nellore District.
3 Sri Someshwara Swamy Vari Temple, Ballavolu Village,
Chilakuru Mandal, Nellore District.
4 The Assistant Commissioner of Endowments Department, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus: (i) declaring the action of the Respondent authorities in trying to evict the petitioner from the land in Sy.NO.292, admeasuring Ac.3-12 cents situated at Ballavolu Village, Chillakuru Mandal, Nellore District as arbitrary, illegal, violative of the Articles 14, 21 and 300A of the Constitution of India and further direct the Respondent authorities not to evict the Petitioner from the land in sy.No.292, admeasuring Ac.3-12 cents situated at Ballavolu Village, Chillakuru Mandal, Nellore District;

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY
Counsel for the Respondent No.1,2 and 4: GP FOR ENDOWMENTS
Counsel for the Respondent No.3: Smt. N.Indrani.

The Court at the stage of admission made the following :

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ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the 3rd respondent as well as learned Government Pleader appearing for the respondents 1, 2 and 4.

As can be seen from the material on record, the petitioner, who claims to be the cultivating tenant, is in occupation of an extent of Ac.3-12 cents of land situated in Sy.No.292 of Ballavolu Village, Chillakuru Mandal, Nellore District belonging to the 3rd respondent-Temple.

The contention raised by the petitioner is that being a landless poor person, he is entitled to the benefit of Section 82 (2) of the A.P. Charitable & Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') and therefore the 3rd respondent is not entitled either to dispossess him or to put the leasehold rights of the land in question to public auction.

Whether the petitioner is a landless poor person as defined under the Explanation to Section 82 (2) of the Act and whether he is entitled to the protection under the said provision is a matter for enquiry by the 4th respondent and cannot be gone into by this Court.

Accordingly, without expressing any opinion with regard to the claim of

the petitioner, the writ petition is disposed of granting liberty to the petitioner to make a claim before the 4th respondent-Assistant Commissioner of Endowments, Nellore, Nellore District, within a period of two weeks from today, in which event, the same shall be considered in accordance with law and appropriate orders be passed within a period of two weeks thereafter. Till such time, status quo obtaining as on today as to the nature and possession of the lands in question shall be maintained.

The Writ Petition is accordingly disposed of. No costs.

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08-11-2004

klp

To

1 The Inspector, Endowments Department,
Guduru, Nellore District.
2 The Revenue Divisional Officer, Guduru, Nellore District.
3 Sri Someshwara Swamy Vari Temple, Ballavolu Village,
Chilakuru Mandal, Nellore District.
4 The Assistant Commissioner of Endowments Department, Nellore District.

5. 2CCs to G.P. for Endowments, High Court buildings,

Hyderabad.(OUT).

6. 2CD copies